

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-6, 8, 10-13, 15, 17-20, 22, 24, 26 and 28-31 are pending in the present application. Claims 1, 4-6, 8, 12, 13, 15, 17-20, 22 and 28 are amended, Claims 9, 14, 16, 21, 23, 25 and 27 are canceled without prejudice, and Claims 29-31 are added by the present amendment.

In the outstanding Office Action, the specification was objected to; Claims 1-28 were rejected under 35 U.S.C. § 101; Claims 1-28 were rejected under 35 U.S.C. § 112, first paragraph; Claims 1-22 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,551,880 to Bonstetter et al. (herein "Bonstetter") in view of applicants admitted art; and Claims 24, 26 and 28 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bonstetter in view of U.S. Patent No. 5,722,418 to Bro.

Applicant and Applicant's representative gratefully acknowledge the courtesy of a personal interview with Examiner Sotomayor and Examiner Christman on September 14, 2004. During the interview, objections and rejections in the outstanding Office Action and differences between the references cited in the outstanding Office Action and the claims were discussed. In particular, draft claim amendments were discussed and further modified, and the Examiners indicated that the modified draft claim amendments appeared to overcome all outstanding objections and rejections. However, the Examiners also indicated that further search may be required. Comments discussed during the interview are reiterated below.

Regarding the objection to the specification, Applicant respectfully submits that MPEP § 608.01(p)(I)(B) indicates that a foreign application may be incorporated by reference, as in the present case, when that foreign application is relied upon only to establish

an earlier effective filing date under 35 U.S.C. § 119. Accordingly, Applicants respectfully request that objection to the specification be withdrawn.

Further, regarding the rejection of Claims 1-28 under 35 U.S.C. § 101, Claims 9, 14, 16 and 21 are canceled, Claims 8, 22 and 28 are amended to be directed to a computer readable recording medium, corresponding new Claims 29-31 are directed to a computer data signal embedded in a carrier wave, and Claims 5, 6, 17-20 and 26 are amended to more clearly recite a practical application within the technological arts and to more clearly recite tangible results, in light of comments in the outstanding Office Action and as discussed during the interview. Accordingly, it is respectfully requested the claim rejection under 35 U.S.C. § 101 be withdrawn.

In addition, regarding the rejection of Claims 1-28 under 35 U.S.C. § 112, first paragraph, the independent claims are amended to more clearly indicate that the intended operation of the claimed inventions is to select candidates related to certain questions as factors contributing to enhance the target people's will, in a case where there is a predetermined correlation between responses to the questions and work done by the respondent, as discussed during the interview. Accordingly, it is respectfully requested that rejection also be withdrawn.

Regarding the rejection of Claim 28 under 35 U.S.C. § 112, second paragraph, Claim 28 is amended to more clearly recite subject matter that Applicant regards as the invention, as discussed during the interview. Accordingly, it is also respectfully requested that rejection be withdrawn.

Claims 1-22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bonstetter in view of applicants admitted art; and Claims 24, 26 and 28 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bonstetter in view of Bro. Applicants respectfully traverse those rejections.


Independent Claim 1 is amended to recite features of Claims 23, 25 or 27, which are accordingly canceled. In particular, Claim 1 is directed to a selection system for selecting factors from a plurality of candidates of factors that includes, *inter alia*, a correlation coefficient that is calculated by dividing a calculated covariance representing work done and an evaluation value by at least one standard deviation value of the work done. Independent Claims 4, 5 and 8, and new independent Claim 29 include similar features.

As discussed during the interview, Bonstetter, Bro, and Applicants admitted art do not teach or suggest the features of amended independent Claims 1, 4, 5, 8 and 29. Accordingly, Applicants respectfully submit that amended independent Claims 1, 4, 5, 8 and 29, and claims depending therefrom, are allowable.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Surinder Sachar
Registration No. 34,423

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)
GJM:SS:ZSS:dnf